

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Cave Consulting Group, Inc.,) Case No. 5:11-CV-0469 EJD
Plaintiff,)
v.)
Ingenix, Inc.,)
Defendant.)

**ORDER REGARDING
SUPPLEMENTAL BRIEFING**

On August 9, 2012, the court held a claim construction hearing in this action. During this hearing, both parties suggested that additional briefing may be useful to the court. The court is interested in the parties' positions as to (1) whether Dr. Cave disclaimed direct standardization during prosecution of the '126 patent, (2) the legal relevance of the dependent claims in the '126 patent that teach direct standardization to the construction of the term "weighted episode of care statistics," and (3) whether the terms "episode of care" and "episode treatment group" are functionally and/or legally distinguishable.

Accordingly, IT IS HEREBY ORDERED that no later than Friday, August 31, 2012, the parties shall file briefs addressing these questions. These briefs shall not exceed fifteen pages. No responding briefs will be necessary or allowed.

IT IS SO ORDERED.

Dated: August 10, 2012


EDWARD J. DAVILA
United States District Judge